

control and management were by him rendered on his own motion, ostensibly for the benefit of the firm, and professedly without any compensation, or hope of compensation, but with the sole desire to advance the interest of the partnership. That being thus familiar with the affairs of the firm, and knowing the aforesaid real estate to be its property, and not that of said John C. White, in whose name it stood, and knowing also that the firm was not indebted to him to any amount, the said John White designing for his own benefit to defraud the firm, and abuse the confidence so implicitly reposed in him, fraudulently persuaded his said father, John C. White, who was then very old and incapable of attention to business, that the firm was largely indebted to him, the said John White, and caused and procured his said father to convey to him, on the 7th of March, 1835, all said real estate in payment of said pretended debt, and did further, by similar false statements and fraudulent representations, accounts and charges, cause and procure the assent of complainant and the other copartners to said conveyance, they all then relying as the ground of such assent on the said statements and representations of the said John, whose assertions, complainant, in the fullness of his respect and confidence, regarded at that time as conclusive in reference to anything within his knowledge. That devoting his time exclusively to the manufacturing department of the business, complainant was in utter ignorance of the accounts of the firm, and of the individual members thereof with the firm, the books and accounts never having been examined by him, because of his confidence in the statements of the said John. That he has had no opportunity to examine said books and accounts, or obtain access to the same, from the day he first desired to inspect them to the present time, although he has constantly and earnestly claimed as a right, or solicited as a favor, such opportunity of access and inspection, but on the contrary, he has been refused such inspection, and has been thwarted in his every efforts to obtain by legal proceedings such examination, by every artifice which human ingenuity could devise.

The bill then further charges that said John White, having